

**In the United States District Court for the  
Western District of North Carolina  
Asheville Division**

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Tommy **Schemel**,  
Plaintiff,  
vs.  
Martin J. **O'Malley**,  
Commissioner of Social Security,  
Defendant.

Civil Action No. **1:24-cv-00023-GCM**

**Order**

**THIS MATTER IS BEFORE THE COURT** on the Plaintiff's Consent Motion for Fees Pursuant to the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A) filed on October 03, 2024. Having reviewed the motion, supporting materials, memorandum in support, and the case file the Court determines that Plaintiff should be awarded an attorney's fee under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), in the amount of \$4,700.00.

**IT IS ORDERED** that the Plaintiff's Motion for Fees Under the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A) filed is **GRANTED**, to the extent that the Court will award attorney fees in the amount of \$4,700.00, and that pursuant to Comm'r of Soc. Sec. v. Ratliff, 560 U.S. --, 130 S. Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the

Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA fees and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

Signed: October 4, 2024



Graham C. Mullen  
United States District Judge

